

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Rick Duane Benedict,)	CASE NO. 1:13 CV 2026
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
)	MAGISTRATE JUDGE VERNELIS ARMSTRONG
)	
v.)	<u>MEMORANDUM OPINION</u>
Commissioner of Social Security,)	
)	
Defendant.)	

This matter is before the Court upon the Report and Recommendation of Magistrate Judge Vernelis Armstrong. (ECF #15). Plaintiff brought this case seeking review of the Defendant's final decision denying his claim for disability insurance benefits under Title II of the Social Security Act. The Magistrate Judge recommends that: (1) this case be reversed and remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for consideration/reconciliation at steps three and four of the sequential evaluation and to determine if Plaintiff is disabled; and (2) the Court terminate the referral to the undersigned. On April 10, 2014, Defendant Commissioner of Social Security filed a Response to the Report and Recommendation stating that an objection would not be filed. (ECF #16).

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable standard of review for a magistrate judge's report and recommendation depends upon whether objections were made to the report. In this case, neither party has filed any objection to the Magistrate's Report and Recommendation. "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order

to accept the recommendation.” FED. R. CIV. P. 72 advisory committee’s notes (citation omitted). In fact, the U.S. Supreme Court stated in *Thomas v. Arn*, 474 U.S. 140, 150 (1985): “It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.” Nonetheless, this Court has thoroughly reviewed the Report and Recommendation’s factual and legal conclusions and finds them to be thorough, well-supported, and correct.

Conclusion

For the reasons set forth above, the Report and Recommendation of Magistrate Judge Armstrong (ECF #15) is ADOPTED in its entirety. The Administrative Law Judge’s decision is REVERSED, and pursuant to sentence four of 42 U.S.C. § 405(g) the case is REMANDED, for further proceedings consistent with the Report and Recommendation.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: July 7, 2014